

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 876 OF 2021

(Imdad Khan Afroz Khan ..vs.. State of Maharashtra, through PSO, PS Ural, Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mir Nagman Ali, Counsel for the applicant,
Mr. N. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 01-09-2021

The applicant is seeking bail in connection with Crime 255/2021 registered with Ural Police Station, District Akola for offences punishable under Sections 307, 323, 324 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of the report lodged by the injured Shaikh Iman. The motive which is alleged by the prosecution, is that one woman lodged a previous complaint and the applicant perceived that the injured supported her.

3. In so far as the incident is concerned, the allegation is that in the night intervening 20-6-2021 and 21-6-2021 at 12-30 a.m., while the injured was sleeping in the porch of his residential house, the applicant and his brother trespassed, picked up an altercation, initially assaulted the injured with fists and blows and then the applicant dealt a blow with iron rod on the head.

4. Considering that there are three crimes earlier registered, a submission was made by the learned Additional Public Prosecutor that the applicant has the propensity to indulge in criminal activities and if released on bail, there is every possibility that the witnesses shall stand compromised. I did, at a stage, mull over granting bail subject to extremely strict conditions which would ensure that the applicant does not reside anywhere near Ural, District Akola. However, on perusal of the crime chart, and the role which is attributed to the applicant in the earlier crimes, which is assault with knife, in my considered view, no case is made out for grant of bail. This is not the first crime in which the applicant has indulged, if the case of the prosecution is to be believed. If the applicant is released on bail, there is a possibility that the safety and security of the witnesses may be in jeopardy. At any rate, the possibility that the witnesses may be pressurized, is a real possibility.

5. The application is dismissed.

JUDGE

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